

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JORGE ARTURO MARQUEZ-
ORTIZ,

Petitioner,

v.

W.J. SULLIVAN,

Respondent.

NO. SACV 08-552 ABC (FFM)

ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire record in this action, the attached Report and Recommendation of United States Magistrate Judge (“Report”), and the objections thereto. The Court notes that petitioner has raised additional claims in his objections that do not appear in the petition and were not raised in petitioner’s reply. The Court exercises its discretion not to consider such late claims which, among other things, have not been exhausted. *See Greenhow v. Secretary of Health & Human Serv.*, 863 F.2d 633, 638 (9th Cir. 1988) (holding that District Court has discretion not to consider new claims raised in objections to Report and Recommendation of Magistrate Judge), overruled on other grounds, *United States v. Hardesty*, 977 F.2d 1347 (9th Cir. 1992).

Good cause appearing, the Court concurs with and accepts the findings of fact, conclusions of law, and recommendations contained in the Report after having made a de novo determination of the portions to which objections were directed.

1 IT IS ORDERED that judgment be entered dismissing the Petition on the merits
2 with prejudice.

3
4 DATED: February 1, 2012



AUDREY B. COLLINS
United States District Judge